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Attorneys for SAW Entertainment, LTD
d/b/a Hustler Club-San Francisco and BS Management

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PETER E. KRESSY,

Plaintiff,

v.

LARRY FLYNT'S HUSTLER CLUB
SAN FRANCISCO, BS MANAGEMENT,
SAW ENTERTAINMENT LTD. –
HUSTLER

Defendants

Case No.: C-07-4892-EDL

**SUPPLEMENTAL EVIDENCE REGARDING
INTERSTATE COMMERCE IN SUPPORT OF
MOTION TO COMPEL ARBITRATION**

Courtroom: E, 15th Floor
Judge: Hon. Elizabeth D. Laporte
(Magistrate Judge)

Trial: None Set
Action Filed: September 20, 2007

1 Pursuant to the Court's December 18, 2007 Order following the hearing on Defendants'
2 Motion to Compel Arbitration, that Defendants submit evidence regarding the impact on
3 interstate commerce of the operations of Defendant Larry Flynt's Hustler Club, Defendants
4 hereby submit the declaration of Joseph Carouba attached hereto as Exhibit A.

5
6 Dated: January 7, 2008

LONG & LEVIT LLP

7
8 By 

9 DOUGLAS J. MELTON
10 JOHN B. SULLIVAN
11 Attorneys for SAW Entertainment, LTD
12 d/b/a Hustler Club-San Francisco and BS
13 Management

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EXHIBIT A

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15 Attorneys for SAW Entertainment, LTD
16 d/b/a Hustler Club-San Francisco

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 PETER E. KRESSY,

16 Plaintiff,

17 v.

18 LARRY FLYNT'S HUSTLER CLUB
19 SAN FRANCISCO, BS MANAGEMENT,
20 SAW ENTERTAINMENT LTD. -
21 HUSTLER

22 Defendants
23

Case No.: C-07-4892-EDL

**DECLARATION OF JOSEPH CAROUBA
REGARDING INTERSTATE COMMERCE IN
SUPPORT OF MOTION TO COMPEL
ARBITRATION AND STAY COURT
PROCEEDINGS**

1 I, JOSEPH CAROUBA, declare:

2 I am the Manager of SAW Entertainment, LLC d/b/a Hustler Club (hereafter "Hustler"). I
3 have personal knowledge of the facts set forth in this declaration and, if called upon as a witness,
4 I could and would competently testify thereto.

5 1. Hustler operates a San Francisco nightclub serving food and alcohol and offering
6 exotic dance entertainment;

7 2. I am familiar with Hustler's business practices and clientele; also, in preparing
8 this declaration I reviewed Hustler's schedule of vendors and various contracts with out-of-state
9 vendors;

10 3. "Hustler" is a registered trade name, which is licensed to nightclubs throughout the
11 United States (and in France) including, of relevance here, the Hustler club in San Francisco.
12 Upon information and belief, there are other Hustler clubs in Redlands, San Diego and
13 Westminster, California, as well as in Washington Park, Illinois, New Orleans, Louisiana,
14 Baltimore, Maryland, New York, New York, Cleveland, Ohio and Paris, France.

15 4. Hustler Club in San Francisco regularly and routinely has out-of-state customers
16 who are tourists and business persons from outside the State of California. These out-of-state
17 citizens spend money at Hustler, both in the form of cash and by use of credit cards.

18 5. Hustler contracts with entertainers who travel from out of state to perform their
19 exotic dance entertainment at Hustler.

20 6. Hustler pays royalties on the use of music, which payments are made to ASCAP in
21 Chicago, Illinois.

22 7. Hustler purchases a portion of its food, alcohol and supplies from out of state
23 businesses, including by way of example, coffee from Portland, Oregon, office supplies from
24 Staples Business Advantage in Hartford, Connecticut, printing services from Just Print
25 Everything.com in Winter Park, Florida; music from Broadcast Music, Inc. of Atlanta, Georgia,
26 furniture from KG Furniture Manufacturing, Inc. in Houston, Texas and from Grasser Chair
27 Company of Youngstown, Ohio.

PROOF OF SERVICE

I am employed in the City and County of San Francisco, California. I am over the age of 18 years and not a party to the within action. My business address is Long & Levit LLP, 465 California Street, Suite 500, San Francisco, California 94104.

On January 7, 2008, I served the document(s) named below on the following attorney(s) of record and/or interested parties in the case of *Kressy v. Larry Flynt's Hustler Club San Francisco, et al.*, United States District Court Northern District of California Case No. C-07-4892-EDI.

<p align="center">SUPPLEMENTAL EVIDENCE REGARDING INTERSTATE COMMERCE IN SUPPORT OF MOTION TO COMPEL ARBITRATION</p>

SERVED ON:

<p>Peter E. Kressy 601 Steiner Street San Francisco, CA 94133</p>	
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☒ (BY MAIL) I am readily familiar with Long & Levit LLP's practice for collection and processing of documents for mailing with the United States Postal Service. I caused such document(s) to be placed in a sealed envelope, addressed to the person(s) on whom it is to be delivered pursuant to the attached service list, with postage thereon fully prepaid, to be deposited with the United States mail at San Francisco, California, that same day in the ordinary course of business.

☒ (BY ELECTRONIC FILING) I electronically filed the document(s) with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the person(s) or attorney(s) of record at the listed email address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 7, 2008, at San Francisco, California.


 Cindy C. Ratcliff

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